

¹ Plaintiff also claims that this Court must be on the side of the Defendants because the Court denies all of his motions.

Rule 41(a)(2) of the Federal Rules of Civil Procedure applies to this case since an answer and a motion to dismiss had been filed prior to Plaintiff's Motion to Dismiss. Rule 41(a)(2) allows for a voluntary dismissal only by Court Order. Here, Defendants have clearly stated that they do not oppose Plaintiff's Motion to Dismiss. A plaintiff's Rule 41(a)(2) motion to dismiss should be granted if not opposed or if no relevant objection is interposed. See Gentry v. Township of Gloucester, 736 F.Supp. 1322, 1326 (D.N.J. 1990).

For these reasons, the Court will grant Plaintiff's Motion for a Voluntary Dismissal.

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion to Dismiss is Granted. This case is Dismissed.

SO ORDERED.

Signed: February 9, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

